

CHILD PROTECTIVE SERVICES IMPROVEMENT INITIATIVE

...
SECTION 12C.1(f) Statewide Evaluation. – Of the funds appropriated in this act to the Department of Health and Human Services, Division of Social Services, the sum of seven hundred thousand dollars (\$700,000) shall be used to provide for a comprehensive, statewide evaluation of the State's child protective services system. The Division of Social Services shall contract for an independent evaluation of the system, which evaluation shall include developing recommendations on the following:

- (1) The performance of county departments of social services as related to child protective services.
- (2) Caseload sizes.
- (3) The administrative structure of the child protective services system in the State.
- (4) Adequacy of funding.
- (5) Child protective services' worker turnover.
- (6) Monitoring and oversight of county departments of social services.

The Division shall report the findings and recommendations from the evaluation to the Joint Legislative Oversight Committee on Health and Human Services no later than January 1, 2016.

[Source: Session Law 2014-100, Section 12C.1]

**CHILD PROTECTIVE SERVICES IMPROVEMENT INITIATIVE/REVISE
STATEWIDE EVALUATION REPORT DATE**

SECTION 12C.8. The Department of Health and Human Services, Division of Social Services, shall report on the findings and recommendations from the comprehensive, statewide evaluation of the State's child protective services system required by Section 12C.1(f) of S.L. 2014-100 to the Joint Legislative Oversight Committee on Health and Human Services on or before March 1, 2016.

[Source: Session Law 2015-241, Section 12C.8]

FOSTERING SUCCESS/EXTEND FOSTER CARE TO 21 YEARS OF AGE

SECTION 12C.9.(a) G.S. 108A-48 reads as rewritten:

"§ 108A-48. State Foster Care Benefits Program.

(a) The Department is authorized to establish a State Foster Care Benefits Program with appropriations by the General Assembly for the purpose of providing assistance to children who are placed in foster care facilities by county departments of social services in accordance with the rules and regulations of the Social Services Commission. Such appropriations, together with county contributions for this purpose, shall be expended to provide for the costs of keeping children in foster care facilities.

~~(b) No benefits provided by this section shall be granted to any individual who has passed his eighteenth birthday unless he is less than 21 years of age and is a full-time student or has been accepted for enrollment as a full-time student for the next school term pursuing a high school diploma or its equivalent; a course of study at the college level; or a course of vocational or technical training designed to fit him for gainful employment.~~

(c) The Department may continue to provide benefits pursuant to this section to an individual who has attained the age of 18 years and chosen to continue receiving foster care services until reaching 21 years of age if the individual is (i) completing secondary education or a program leading to an equivalent credential, (ii) enrolled in an institution that provides postsecondary or vocational education, (iii) participating in a program or activity designed to promote, or remove barriers to, employment, (iv) employed for at least 80 hours per month, or (v) incapable of completing the educational or employment requirements of this subsection due to a medical condition or disability.

(d) With monthly supervision and oversight by the director of the county department of social services or a supervising agency, an individual receiving benefits pursuant to subsection (c) of this section may reside outside a foster care facility in a college or university dormitory or other semi-supervised housing arrangement approved by the director of the county department of social services and continue to receive benefits pursuant to this section."

SECTION 12C.9.(b) G.S. 108A-49 is amended by adding a new subsection to read:

"(e) If all other eligibility criteria are met, adoption assistance payments may continue until the beneficiary reaches the age of 21 if the beneficiary was adopted after reaching the age of 16 but prior to reaching the age of 18."

SECTION 12C.9.(c) G.S. 108A-49.1 reads as rewritten:

"§ 108A-49.1. Foster care and adoption assistance payment rates.

(a) The maximum rates for State participation in the foster care assistance program are established on a graduated scale as follows:

- (1) \$475.00 per child per month for children from birth through five years of age.
- (2) \$581.00 per child per month for children six through 12 years of age.
- (3) \$634.00 per child per month for children at least 13 through 18 but less than 21 years of age.

(b) The maximum rates for the State adoption assistance program are established consistent with the foster care rates as follows:

- (1) \$475.00 per child per month for children from birth through five years of age.
- (2) \$581.00 per child per month for children six through 12 years of age.
- (3) \$634.00 per child per month for children at least 13 through 18 but less than 21 years of age.

(c) The maximum rates for the State participation in human immunodeficiency virus (HIV) foster care and adoption assistance are established on a graduated scale as follows:

- (1) \$800.00 per child per month with indeterminate HIV status.
- (2) \$1,000 per child per month with confirmed HIV infection, asymptomatic.
- (3) \$1,200 per child per month with confirmed HIV infection, symptomatic.
- (4) \$1,600 per child per month when the child is terminally ill with complex care needs.

In addition to providing board payments to foster and adoptive families of HIV-infected children, any additional funds remaining that are appropriated for purposes described in this subsection shall be used to provide medical training in avoiding HIV transmission in the home.

(d) The State and a county participating in foster care and adoption assistance shall each contribute fifty percent (50%) of the nonfederal share of the cost of care for a child placed by a

county department of social services or child-placing agency in a family foster home or residential child care facility. A county shall be held harmless from contributing fifty percent (50%) of the nonfederal share of the cost for a child placed in a family foster home or residential child care facility under an agreement with that provider as of October 31, 2008, until the child leaves foster care or experiences a placement change.

(e) A county shall be held harmless from contributing fifty percent (50%) of the nonfederal share of the cost for an individual receiving benefits pursuant to G.S. 108A-48(c)."

SECTION 12C.9.(d) G.S. 131D-10.2 reads as rewritten:

"§ 131D-10.2. Definitions.

For purposes of this Article, unless the context clearly implies otherwise:

...
(3) "Child" means an individual less than ~~18~~21 years of age, who has not been emancipated under the provisions of Article 35 of Chapter 7B of the General Statutes.

...
(9a) "Foster Parent" means any individual who is ~~18~~21 years of age or older who is licensed by the State to provide foster care.

"

SECTION 12C.9.(e) Part 1 of Article 1A of Chapter 131D of the General Statutes is amended by adding a new section to read:

"§ 131D-10.2B. Foster care until 21 years of age.

(a) A child placed in foster care who has attained the age of 18 years may continue receiving foster care services until reaching 21 years of age as provided by law. A child who initially chooses to opt out of foster care upon attaining the age of 18 years may opt to receive foster care services at a later date until reaching 21 years of age.

(b) A child who has attained the age of 18 years and chosen to continue receiving foster care services until reaching 21 years of age may continue to receive benefits pursuant to Part 4 of Article 2 of Chapter 108A of the General Statutes upon meeting the requirements under G.S. 108A-48(c)."

SECTION 12C.9.(f) G.S. 131D-10.5 reads as rewritten:

"§ 131D-10.5. Powers and duties of the Commission.

In addition to other powers and duties prescribed by law, the Commission shall exercise the following powers and duties:

- (1) Adopt, amend and repeal rules consistent with the laws of this State and the laws and regulations of the federal government to implement the provisions and purposes of this ~~Article;~~Article.
- (2) Issue declaratory rulings as may be needed to implement the provisions and purposes of this ~~Article;~~Article.
- (3) Adopt rules governing procedures to appeal Department decisions pursuant to this Article granting, denying, suspending or revoking ~~licenses;~~licenses.
- (4) Adopt criteria for waiver of licensing rules adopted pursuant to this ~~Article;~~Article.
- (5) Adopt rules on documenting the use of physical restraint in residential child-care ~~facilities;~~facilities.
- (6) Adopt rules establishing personnel and training requirements related to the use of physical restraints and time-out for staff employed in residential child-care ~~facilities; and~~facilities.
- (7) Adopt rules establishing educational requirements, minimum age, relevant experience, and criminal record status for executive directors and staff employed by child placing agencies and residential child care facilities.
- (8) Adopt any rules necessary for the expansion of foster care for individuals who have attained the age of 18 years and chosen to continue receiving foster care services to 21 years of age in accordance with G.S. 131D-10.2B."

SECTION 12C.9.(g) Article 9 of Chapter 7B of the General Statutes is amended by adding a new section to read:

"§ 7B-910.1. Review of voluntary foster care placements with young adults.

(a) The court shall review the placement of a young adult in foster care authorized by G.S. 108A-48(c) when the director of social services and a young adult who was in foster care as a juvenile enter into a voluntary placement agreement. The review hearing shall be held not more

than 90 days from the date the agreement was executed, and the court shall make findings from evidence presented at this review hearing with regard to all of the following:

- (1) Whether the placement is in the best interest of the young adult in foster care.
 - (2) The services that have been or should be provided to the young adult in foster care to improve the placement.
 - (3) The services that have been or should be provided to the young adult in foster care to further the young adult's educational or vocational ambitions, if relevant.
- (b) Upon written request of the young adult or the director of social services, the court may schedule additional hearings to monitor the placement and progress toward the young adult's educational or vocational ambitions.
- (c) No guardian ad litem under G.S. 7B-601 will be appointed to represent the young adult in the initial or any subsequent hearing.
- (d) The clerk shall give written notice of the initial and any subsequent review hearings to the young adult and foster care and the director of social services at least 15 days prior to the date of the hearing."

SECTION 12C.9.(h) G.S. 7B-401.1 is amended by adding a new subsection to read:
"(i) Young Adult in Foster Care. – In proceedings held pursuant to G.S. 7B-910.1, the young adult in foster care and the director of the department of social services are parties."

SECTION 12C.9.(i) The Department of Health and Human Services, Division of Social Services (Division), shall develop a plan for the expansion of foster care services for individuals who have attained the age of 18 years and opt to continue receiving foster care services until reaching 21 years of age. The Division shall report on the plan to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal Research Division by March 1, 2016. The Division shall report on the plan as implemented to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal Research Division by March 1, 2017.

SECTION 12C.9.(j) No later than 60 days after the Department implements the plan for the expansion of foster care services as required under subsection (i) of this section, the Division shall submit a State plan amendment to the U.S. Department of Health and Human Services Administration for Children and Families to make federal payments for foster care and adoption assistance, as applicable, under Title IV-E, available to a person meeting the requirements of G.S. 108A-48(c), as enacted in subsection (a) of this section.

SECTION 12C.9.(k) Any agreement entered into pursuant to G.S. 108A-48(b) prior to the effective date of subsection (a) of this section shall remain in full force and effect, and no provision of this section shall be construed to affect or alter such an agreement.

SECTION 12C.9.(l) Subsection (a) of this section becomes effective January 1, 2017, and applies to agreements entered into on or after that date. Subsections (i), (j), and (k) of this section are effective when they become law. The remainder of this section becomes effective January 1, 2017.

[Source: Session Law 2015-241, Section 12C.9]

DEVELOPMENT OF STRATEGIC STATE PLAN FOR ALZHEIMER'S DISEASE

SECTION 12D.5. G.S. 143B-181.1(a) is amended by adding a new subdivision to read:

- "(13) To develop a strategic State plan for Alzheimer's disease. The plan shall address ways to improve at least all of the following with respect to Alzheimer's disease:
- a. Statewide awareness and education.
 - b. Early detection and diagnosis.
 - c. Care coordination.
 - d. Quality of care.
 - e. Health care system capacity.
 - f. Training for health care professionals.
 - g. Access to treatment.
 - h. Home- and community-based services.
 - i. Long-term care.
 - j. Caregiver assistance.
 - k. Research.
 - l. Brain health.
 - m. Data collection.
 - n. Public safety and safety-related needs of individuals with Alzheimer's disease.
 - o. Legal protections for individuals living with Alzheimer's disease and their caregivers.
 - p. State policies to assist individuals with Alzheimer's disease and their families."

[Source: Session Law 2014-100, Section 12D.5; Enacted as G.S. 143B-181.1(a)(13)]

JOINT STUDY OF JUSTICE AND PUBLIC SAFETY AND BEHAVIORAL HEALTH

SECTION 12F.10. The Joint Legislative Oversight Committee on Health and Human Services and the Joint Legislative Oversight Committee on Justice and Public Safety shall each appoint a subcommittee to study the intersection of Justice and Public Safety and behavioral health and report their findings and recommendations to their respective Committees. The subcommittees shall meet jointly to study and report on the following issues:

- (1) The impact of the Justice Reinvestment Act on the State's behavioral health system, including the following:
 - a. The impact of the Justice Reinvestment Act on the demand for community-based behavioral health services available through local management entities/managed care organizations (LME/MCOs).
 - b. The change in the number of criminal offenders referred to the Treatment Accountability for Safer Communities (TASC) program since 2010 and other demands on the TASC program that have arisen since that time.
 - c. The sources and amounts of funding available to serve this population, as well as any other support or resources that are provided by the Department of Public Safety to the Department of Health and Human Services or the LME/MCOs.
 - d. An analysis of the supply and demand for behavioral health providers who serve this population.
- (2) The impact of mental illness and substance abuse on county law enforcement agencies, including the following:
 - a. The number of people with mental illness and substance abuse issues held in county jails.
 - b. The impact on local law enforcement agencies, particularly with respect to their budgets and personnel.
- (3) The impact of judicial decisions on the State's behavioral health and social services system, including the following:
 - a. The role and impact of family court decisions on the demand for and delivery of county social services.
 - b. The role and impact of decisions by drug treatment courts, veterans' mental health courts, and driving while impaired courts.
 - c. The impact of judicial decisions on the availability of beds in State-operated psychiatric facilities as a result of involuntary commitment orders and incapacity to proceed decisions.
- (4) Any other relevant issues the subcommittees jointly deem appropriate.

[Source: Session Law 2015-241, Section 12F.10]